TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office

April 17, 1997 LB 882

SENATOR LANDIS: Thank you, Madam President, members of the Legislature. In a sense both of the claimants of this work camp, and that is Senator Engel, who wants it addressed at adults, first-time nonviolent offenders, with the amendment, or Senator Peterson, who wants this to basically be used for juveniles, share an underlying goal, and that goal is to avoid the training ground of sending people to the big house who will come under the sway of the criminal college that you have there--the recidivism rate, the training in more and more advanced forms of criminal behavior, the hardening of the individual personality towards the prospect of rehabilitation. Both of the ideas that are now competing are attempts to finding a population that legitimately could be given a second chance, given a different kind of approach than the penitentiary. Which of these two groups do we use our rare and costly resources in the field of incarceration and the criminal justice system? Frankly, I do not know the answer to that, which of these two populations is more deserving. I will say that if I had to guess I think I'd side with Senator Peterson's fear that the trend line for youthful offenders, particularly from 14 to 17, the growing trend that we harbor far too much an illusion about the perceptions of crime that we had that are based on our experiences and people that we knew and conditions that we familiar with 10, 15, and 20 years ago. Here, today, it is difficult to imagine that violent or habitual crime is common, that drug use and the use of gangs is such that kids who are 14-years of age could represent such a risk to society, but they It's a fact of life and we can't live in these old preconceptions that we've had. I'm going to support the bracket motion and I'm going to use that time, if I get it, to make a judgment. And that judgment is if we have limited resources, who should get them, juveniles or adult, first-time nonviolent offenders? And that amount of time I'm going to use between how and then to challenge both of the claimants for this program to make their case to us as to which is the appropriate one, because here's what I suspect, both of them could make a legitimate claim, we could do two of these. However, we're going to do one. If we're going to do one, what should it be? And I think the bracket motion could be used for all of us to clarify which side of that fence we think the state should be I suspect I am going to come down on the side of the